

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

CALVIN B. JAMES,)	
)	
Plaintiff,)	
)	
v.)	CV418-293
)	
BOBBY CHRISTINE, <i>et al.</i> ,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This case should be dismissed without prejudice because plaintiff has failed to comply with the January 19, 2018, deadline for returning the Consent Form and Prison Trust Account Statement required by this Court, pursuant to 28 U.S.C. § 1915(a)(2). Doc. 3 at 4-5 (Order warning of dismissal if he failed to return his forms). In lieu of complying with the Court's Order, James filed a "notice" declaring his "eligib[ility] to proceeding without paying <<any up-front costs>>" (doc. 4), demonstrating his ability to submit forms to the Court when he chooses. This Court has the authority to prune cases from its dockets where parties have failed to comply with its Orders. *See* L.R. 41(b); *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority

to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). James' case should thus be **DISMISSED** without prejudice for failing to comply with the Court's Order.

This report and recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648

F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 28th day of
January, 2019.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA